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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/161,816	09/28/1998	MALCOM B. STRANDBERG	DAVOX-142XX	8075

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MANCHESTER, NH 03104

EXAMINER
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AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/161,816

Applicant(s)

STRANDBERG, MALCOM B.

Examiner

Rasha S. AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on 01/13/2006 has been entered. No claims have been amended. Claims 1-36 have been canceled. Claims 37-53 have been added. Claims 37-53 are still pending in this application, with claims 37, 47 and 53 being independent.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 37-45, 47-52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (US Pat # 5,884,032) in view of Sutton (US Pat # 4,052,570) in view of applicant's admitted prior art and further in view of Shtivelman et al. (US # 2001/0040887) and further in view of Bass et al. (US PAT # 5,835,568).

Regarding claim 37, Bateman teaches a method and system for coordinating communications via customer contact channel changing system, using a call center for setting up the call between the customer and an available help agent from a pool of agents, wherein a call back is provided from a request over a data path 6 from a data terminal 4, the call back data including a telephone number to be dialed. (Col. 4, line 51 – Col. 5, line 12 and Col. 6, lines 14 – 19) Furthermore, Bateman et al. teaches a

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server 28 for receiving requests and forwarding call back data to a remotely located outbound dialer system 32 having a HOTLIST wherefrom telephone numbers to be dialed may be retrieved and processed. (Col. 5, lines 35 – 67 and Col. 6, lines 41 – 50). Bateman also teaches the aforementioned data path being one or a combination of a direct data path, a LAN or WAN, and/or the PSTN (Fig. 1). Bateman teaches that the call back request includes customer indicia, a time to call back, and a message, wherein the message may be comprised of voice and/or text and/or DTMF tones. (Col. 6, line 1 – Col. 7, line 13). Note that Bateman teaches the use an IVR (interactive voice response) system and it is inherent that in an IVR system a customer may respond by pressing buttons on a conventional telephone (i.e. DTMF tones) or even when a customer may respond via voice, the voice is converted into DTMF tones for processing by the IVR system. Bateman further teaches a MMM 50 acting as a call scheduler responsive to the aforementioned HOTLIST for ordering and scheduling the telephone numbers to be dialed at approximately the time designated or scheduled to be called back or even immediately (see col. 7, lines 28 – 61). Furthermore, depending on the data connection type the customer has, an immediate connection may be made with an available agent over a network with the use of ISDN or SVD, so as to allow for the simultaneous exchange of voice and data. Also, for example, waiting for a customer to disconnect from a dial-up ISP to allow access to a conventional phone line. (Col. 10, lines 25 – 31). Bateman also teaches the use of CGI programs (Col. 5, lines 56 – 60 and Col. 7, lines 28 – 42). Lastly, Bateman teaches a "substantially immediate" callback in another embodiment wherein a customer may desire for example, "Live Help" instead of

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a scheduled callback at a later time (see col. 6, lines 14–29). Moreover, as seen in Fig. 8, the customer premises shows a telephone 120 and a computer 124, wherein the computer may be connected via modem 126 to the only telephone network taught, the PSTN 116, which is the same telephone network that telephone 120 is connected to. Also, note that the agent will be calling the customer premises over that very same PSTN telephone network.

What Bateman does not teach is the callback being repetitive when encountering a busy signal.

However, Sutton teaches an extremely old and well-known feature of telephony systems, which is the continuous redialing of a telephone number in the event that a busy signal is encountered (see abstract).

Thus, because continuous redialing is such an old and well-known feature, it would simply be an obvious design choice or preferred mode of operation that one skilled in the art would employ in the invention of Bateman. If a business encounters a busy or no-answer when calling a customer, there is motivation to keep re-trying/redialing that customer in order to get that customer's business. It would not be good business-sense to merely give up after unsuccessfully attempting to reach a customer only one time.

Moreover, it is arguable that Bateman also does not teach a situation wherein the customer premises includes a computer and telephone device connected to the same telephone line wherein the premises is unable to support both voice and data communications.

However, applicant admits on page 4 of the specification of the present invention that it is known to have a customer premises wherein only one telephone line connects a telephone to the PSTN and a computer to the Internet and that such a configuration would not necessarily support both voice and data.

As also taught by Shtivelman, a customer premise may include a telephone and computer connected to the same telephone line and if a customer wishes to accept a callback from a call center agent as a PSTN call to a telephone 2111, he/she must end the Internet session. (P. 18, ¶ 0208 – P. 19, ¶ 0217 of Shtivelman et al.) However, if some type of voice over IP (VOIP) communications is desired, then even using only one modem or one communications line, whether analog or digital, voice and data can be supported simultaneously (P. 18, ¶ 0212 – 0213 of Shtivelman).

Both Bateman and Shtivelman teach computer/data communications integrated with telephony communications regarding call center communications. Moreover, as discussed, it is old and well known to have customer premises wherein PSTN voice and data communications cannot be supported simultaneously. Therefore, it would have

been obvious for one of ordinary skill in the art at the time the invention was made to have allowed a continuous redialed callback for those customers whose premises could not simultaneously support both voice and data.

Given that it was known to submit callback requests via the Internet (applicant's specification P. 3) and that certain customer premises only had one telephone line connecting him/her to both the PSTN and Internet, the only way a callback could be made is to wait for him/her to disconnect from the Internet. This is precisely why continuously redialing the customer's number is necessary – because the present invention must wait for a customer to disconnect from the Internet. Note that such a feature is not even attributable to the claimed invention, because it is merely waiting for a circumstance or event that must be performed manually. And as also already discussed, continuous redialing is extremely old and well known.

Even the teaching of Bateman alone suggests the obviousness of the present invention. Bateman uses SVD modems or more than one connection to the Internet and PSTN for example. However, Bateman addresses the issue of allowing a customer to simultaneously view information and speak with a live agent. If only voice communications were desired, Bateman already teaches that it is old and well known to request live communications using the Internet. Nothing in Bateman teaches away from a customer disconnecting from the Internet to receive a PSTN voice call if that was the only connection he/she had. Moreover, nothing regarding the dual connections or SVD

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modems, etc. is pertinent to the submission of live help or callback requests, the storage of such requests, nor to the scheduling of or immediate callback. Bateman essentially just teaches a more advanced application of the present invention that was reduced to practice at least 3 years before the present invention. Therefore, one of ordinary skill in the art could have moved backwards and made the invention of Bateman et al. more basic to arrive at the claimed invention regarding the live help and callback request aspect.

The combination of Bateman, Sutton, applicant's admitted prior art and Shtivelman does not specifically teach the claimed feature of "reschedule a regular telephone number" each time the telephone number dialer detects a busy signal.

However, Bass specifically teaches a communication system call complete arrangement, which teaches if the call is not answered, then a call to the called station is rescheduled for a subsequent time (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of rescheduling a call to the called station each time encountering a busy signal, as taught by Bass, into the combination of Bateman, Sutton, applicant's admitted prior art and Shtivelman in order to enhance the chances of reaching the desired party at a later time.



Claim 47 and 53 are rejected for the same reasons as discussed above with respect to claim 37.

Claim 38-45 and 48-52 are rejected for the same reasons as discussed above with respect to claim claims 37, 47 and 53.

4. Claims 46 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (US Pat # 5,884,032) in view of Sutton (US Pat # 4,052,570) in view of applicant's admitted prior art, in view of Shtivelman et al. (US # 2001/0040887) in view of Bass et al. (US PAT # 5,835,568) and further in view of Szlam et al. (US Pat # 5,214,688).

As to claims 46 and 51, Bateman, Sutton, applicant's admitted prior art, Shtivelman and Bass have been discussed above. What they do not teach is a predictive dialer, wherein the predictive dialer has a call pacer. Furthermore, Bateman does not teach appending a non-answered call to a future call campaign.

However, Szlam specifically teaches a method and apparatus for dynamic and interdependent processing of inbound calls and outbound calls, wherein a pacing, predictive dialer is used (Fig. 4 and Col. 11, line 50 – Col. 12, line 7 of Szlam et al.) as well as assigning a call to a next campaign (Col. 9, lines 5 – 8 of Szlam et al.).

It would have been obvious to include the aforementioned features of Szlam in the combination of Bateman, Sutton, applicant's admitted prior art, Shtivelman and Bass so as to allow for the dynamic adjustment of call completion in response to various call scenarios and situations as noted in Columns 2 and 3 of Szlam et al.

### ***Response to Arguments***

5. Applicant's arguments with respect to claim 37-53 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

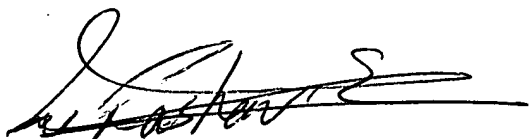
Keshav (US PAT # 5,761,289) teaches when a callback is not answered the call may be rescheduled (see col. 2, lines 65-67).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on (571) 272-7493.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Rasha S. Al-Aubaidi', with a long horizontal stroke extending to the right.

**RASHA S. AL-AUBAIDI**  
**PATENT EXAMINER**

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**04/19/2006**